

REMARKS

Claims 1-3, 5-8, and 10-12 are currently pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

Claims 1-3, 5, 6-8 and 10 have been rejected under 35 USC 101, as not falling within one of the four statutory categories of invention.

Claims 1 and 6 are independent.

Claim 1 claims, *inter alia*, "a central processing unit for performing the method." Claim 6 claims, *inter alia*, "A computer program product for handling Session Initiation Protocol ("SIP") messages for voice over Internet Packet call control, said computer readable program code comprising: a computer readable program code, executable by a processor, configured to perform a method."

In view of the claimed processor, Claims 1 and 6 are believed to be tied to another statutory class. Support for the limitations can be found in paragraphs [0020] (e.g., "software module") and [0022] (e.g., "CPU associated with the switch ") of the published application.

Reconsideration of the rejection is respectfully requested.

Claims 1-2, 6-7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dyke et al. (US 2004/0153497) in view of Bremner-Barr et al. (US 2003/0076848). The Examiner stated essentially that the combined teachings of Van Dyke and Bremner-Barr teach or suggest all the limitations of Claims 1-2, 6-7, and 11.

Claims 1, 6, and 11 are independent.

Claims 1 and 6 claim, *inter alia*, "allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with the message types, wherein the step of allocating SIP call control server processing resources comprises allocating a percentage of the SIP call control server processing resources to each of the queues; and leaking the

messages from at least one of the queues for enforcing a message overload protection for the associated message type; and leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type.” Claim 11 claims, “a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the message and leaked from at least one of the queues for enforcing a message overload protection for the associated message type” and “a scheduler for allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a corresponding message type, wherein the queues are allocated a percentage of the SIP call control server processing resources.”

Van Dyke teaches that an application processor (AP) is selected to handle a SIP message according to a requested service type (see paragraph [0025]). Van Dyke does not teach or suggest “leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claims 1 and 6, nor “a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the message and leaked from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claim 11. Van Dyke teaches that an AP is selected to handle a SIP message according to a requested service type (see paragraph [0025]). Van Dyke is silent on the topic of message overload protection. Therefore, Van Dyke fails to teach or suggest all the limitations of Claims 1, 6, and 11.

Bremner-Barr teaches a leaky bucket mechanism as a rate-limiter (see for example, paragraph [0013]). Bremner-Barr does not teach or suggest, “leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claims 1 and 6, nor “a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the

message and leaked from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claim 11. Bremner-Barr implements a token-based leaky bucket to control traffic flow rates into a system; a token based system does not leak actual messages from a queues.

Consider that, even from the newly identified paragraphs [0070], [0074], [0075] and [0076] Bremner-Barr fails to teach or suggest leaky queues. FIGs. 3A and 3B are exemplary; FIGs. 3A and 3B clearly show that drops happen at three points. These three point all exist prior to the queues in the flow. That is, no message is leaked or dropped from “Q0”, “Q1”, “Q2” or “Q3”.

In view of the foregoing, Bremner-Barr does not teach or suggest a leaky-bucket whereby the data itself is leaked from a queue, essentially as claimed in Claims 1, 6, and 11. Paragraph [0117] of Bremner-Barr is instructive here; Bremner-Barr teaches that the rate-limiter controls the flow, preventing any flow from entering the WFQ system at too high rate. A system for preventing data from entering a queue will not include a method for leaking data from a queue; the data cannot be leaked from a queue if it has not entered the queue. Thus, Bremner-Barr’s rate control is not analogous to the claimed methods for leaking messages from a queue. Therefore, Bremner-Barr fails to cure the deficiencies of Van Dyke.

The combined teachings of Van Dyke and Bremner-Barr teach a token based rate controlled dispatcher for SIP messages. The combined teachings of Van Dyke and Bremner-Barr fail to teach or suggest a method including “leaking the messages from at least one of the queues for enforcing a message overload protection for the associated message type” as claimed in Claims 1 and 6, nor “a plurality of queues associated to the message types, wherein the messages are placed in one of the plurality of queues according to a classification of the message and leaked from at least one of the queues for enforcing a message overload protection for the

associated message type” as claimed in Claim 11. Therefore, Claims 1, 6 and 11 are believed to be allowable.

Claims 2 and 5 depend from Claim 1. Claim 7 depend from Claim 6. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6.

Reconsideration of the rejection is respectfully requested. Claims 1-2, 6-7, and 11

Claims 3 and 8 have been rejected under 35 USC 103(a) as being unpatentable over Van Dyke in view of Bremner-Barr, and further in view of Horvath et al. (US 2005/0102421). The Examiner stated essentially that the combined teachings of Van Dyke, Bremner-Barr, and Horvath teach or suggest all the limitations of Claims 3 and 8.

Claims 3 and 8 depend from Claims 1 and 6, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6. Reconsideration of the rejection is respectfully requested.

Claims 5 and 10 have been rejected under 35 USC 103(a) as being unpatentable over Van Dyke in view of Bremner-Barr, and further in view of D’Souza et al. (US Patent App. No. 2004/0236966). The Examiner stated essentially that the combined teachings of Van Dyke, Bremner-Barr, and D’Souza teach or suggest all the limitations of Claims 4, 5, 9 and 10.

Claims 5 and 10 depend from Claims 1 and 6, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6. Reconsideration of the rejection is respectfully requested.

Claim 12 has been rejected under 35 USC 103(a) as being unpatentable over Van Dyke in view of Bremner-Barr, and further in view of Zolnowsky et al. (US 5,826,081). The Examiner

stated essentially that the combined teachings of Van Dyke, Bremner-Barr, and Zolnowsky teach or suggest all the limitations of Claim 12.

Claim 12 depends from Claims 1. The dependent claims are believed to be allowable for at least the reasons given for Claim 1. Reconsideration of the rejection is respectfully requested.

For the foregoing reasons, the application, including Claims 1-3, 5-8, and 10-12, is believed to be in condition for allowance. Early and favorable reconsideration of the objection is respectfully requested.

Respectfully submitted,

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